



DAE/1646

Atty. Dkt. No 018733-1059

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Susanna M. RYBAK et al.
Title: IMMUNOCONJUGATES OF TOXINS,
DIRECTED AGAINST MALIGNANT CELLS
Appl. No.: 09/961,400
Filing Date: 09/25/2001
Examiner: Unkown
Art Unit: 1646

REPLY TO DECISION ACCORDING STATUS UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

OCT 22 2002

Sir:

OFFICE OF PETITIONS

This is in response to the grant of applicant Dr. David Goldenberg's petition ("Petition") under 37 C.F.R. 1.47(a). The decision for grant is dated October 2, 2002 ("Decision").

The Decision implied that petitioner's legal counsel had first-hand knowledge that the application papers were sent to non-signing inventors Susanna M. Rybak and Dianne L. Newton. The Office requested in the Decision that the petitioner inform the Office if this interpretation is incorrect.

In response, the undersigned wishes to clarify that he has only first-hand knowledge of the sending of application papers to Dr. Kenneth A. Weber, legal representative of the non-signing inventors. *See* Petition at ¶¶ 2-3. *See also id.* at Exhibit A. In this and other patent matters, Dr. Weber acted as the non-signing inventors' representative and has power of attorney from these inventors in the disputed application targeted here in applicants' request for an interference. In accordance with this customary arrangement and in the spirit of the "diligent effort" required by 37 C.F.R. § 1.47(a), the undersigned presented Dr. Weber with the application papers. MPEP § 409.03 (sending application papers to non-signing inventor's attorney).

Respectfully submitted,

Date Oct. 17, 2002

By Stephen B. Maebius

FOLEY & LARDNER
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5569

Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264